

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2  
3 In the Matter of

Board Case No. MD-08-0277A

4 **Sudeep S. Punia, M.D.**

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER**

5 Holder of License No. 20224  
6 For the Practice of Allopathic Medicine  
In the State of Arizona.

(Letter of Reprimand)

7  
8 The Arizona Medical Board ("Board") considered this matter at its public meeting  
9 on April 1, 2009. Sudeep S. Punia, M.D., ("Respondent") appeared before the Board for  
10 a formal interview pursuant to the authority vested in the Board by A.R.S. § 32-1451(H).  
11 The Board voted to issue the following Findings of Fact, Conclusions of Law and Order  
12 after due consideration of the facts and law applicable to this matter.

13 **FINDINGS OF FACT**

14 1. The Board is the duly constituted authority for the regulation and control of  
15 the practice of allopathic medicine in the State of Arizona.

16 2. Respondent is the holder of License No. 20224 for the practice of  
17 allopathic medicine in the State of Arizona.

18 3. The Board initiated case number MD-08-0277A after receiving a complaint  
19 against a physician assistant (PA) that Respondent supervised.

20 4. Respondent serves as the owner and Medical Director of West Valley  
21 Urgent Care, a clinic that operates in three locations under Respondent's direction.

22 5. Pursuant to A.R.S. § 32-2531(E), a PA "shall not perform health care  
23 tasks in a place which is geographically separated from the supervising physician's  
24 primary place for meeting patients without the authorization of the supervising physician  
25 and the board." As a result of this provision, the Notice of Supervision for a supervising  
26 physician specifically asks if the PA will be performing delegated duties only at the  
business address listed on the Notice of Supervision.

1           6.     In November 2007, Respondent hired a PA to work at West Valley Urgent  
2 Care. When Respondent filed the Notification of Supervision for this PA with the  
3 Arizona Regulatory Board of Physician Assistants in October 2007, he answered "yes"  
4 to the question, "Will the Physician Assistant be performing delegated duties at the  
5 above location only?"

6           7.     In correspondence with Board staff, however, Respondent admitted that  
7 the PAs who work for him, including the PA he hired in November 2007, cover shifts at  
8 the other offices in addition to their primary location.

9           8.     At the Formal Interview, Respondent maintained that the PA was the one  
10 who filled in the Notice of Supervision, so if there was an omission or mistake, it was the  
11 PA's responsibility, not his.

12          9.     The Notice of Supervision form provides, however, that the supervising  
13 physician is responsible for completing the section that asks for information about the  
14 PA's work location. In addition, that form provides that it "must be fully completed by  
15 both, the supervising physician and the physician assistant." Finally, in signing the  
16 Notice of Supervision, the physician makes the following certification:

17                   By my signature below, I certify that I have read and  
18 will abide by Arizona Revised Statutes pursuant to Title 32  
19 and the Rules and Regulations A.A.C. Title 4, Chapter 17,  
20 and that any agents and the physician assistant are familiar  
21 with the Statutes and Rules regarding the practice of  
22 physician assistants and that I assume legal responsibility  
for health care tasks performed by the physician assistant  
and I accept responsibility for supervising the physician  
assistant and I understand the physician assistant may not  
perform any health care task until I receive written approval  
of this Notification of Supervision Application.

23          10.    Pursuant to A.R.S. § 32-2532, "[a]ll prescription orders shall contain the  
24 name, address and telephone number of the supervising physician. A physician  
25 assistant shall issue prescription orders for controlled substances under the physician  
26 assistant's own drug enforcement administration registration number."

1           11. During the Formal Interview, Respondent admitted that one of the PAs  
2 under his supervision issued prescriptions on order forms that contained only the name  
3 of his urgent care center and did not contain his name.

4           12. In addition, the same PA wrote prescriptions for controlled substances  
5 using Respondent's Drug Enforcement Administration ("DEA number"). This PA wrote  
6 the prescriptions using Respondent's DEA number both before and after she was  
7 issued her own DEA number.

8           13. When questioned about his practice of allowing the PA to use his DEA  
9 number, Respondent contended that the Board should be the one responsible for not  
10 allowing a PA to work until he or she has obtained a DEA number.

11           14. When interviewed by Board Staff regarding the billing practices of her  
12 employer, one of the PAs working under Respondent's supervision stated that she had  
13 been told that she could check only one of two billing codes, 99204 or 99205.

14           15. According to the Board's Medical Consultant, billing code 99204 is for  
15 New Patient visits and has three components: a comprehensive history, a  
16 comprehensive examination and a medical decision of moderate complexity. The  
17 Medical Consultant reviewed a chart involving a patient with fungus under the nail that  
18 one of the PAs under Respondent's supervision had billed as a 99204 and concluded  
19 that the medical decision making in the case was straightforward and did not warrant  
20 the coding that the PA had been instructed to utilize.

21           16. When queried about the billing instructions his PAs were given,  
22 Respondent questioned what billing training has to do with the supervising physician.  
23 He suggested that billing should be explained by the PA's school or the PA should go to  
24 classes to learn billing. He also contended that the billing codes were a contractual  
25 matter between the urgent care centers and the insurance companies, and the Board  
26 had no regulatory authority over such matters.

#### **CONCLUSIONS OF LAW**

1           1.     The Arizona Medical Board possesses jurisdiction over the subject matter  
2 hereof and over Respondent.

3           2.     The Board has received substantial evidence supporting the Findings of  
4 Fact described above and said findings constitute unprofessional conduct or other  
5 grounds for the Board to take disciplinary action.

6           3.     The conduct and circumstances described above constitute  
7 unprofessional conduct pursuant to A.R.S. §§ 32-1401(27)(ii) ("[l]ack of or inappropriate  
8 direction, collaboration or direct supervision of a medical assistant or a licensed,  
9 certified or registered health care provider employed by, supervised by or assigned to  
10 the physician." )

11          4.     In determining the degree of discipline, the Respondent's refusal to  
12 acknowledge that his conduct violated the law governing the supervision of physician  
13 assistants was an aggravating factor. A.A.C. 4-16-604(6).

#### 14                               **ORDER**

15           Based upon the foregoing Findings of Fact and Conclusions of Law,

#### 16           **IT IS HEREBY ORDERED:**

17           1.     Respondent is issued a Letter of Reprimand.

18           2.     Respondent is placed on probation for **one year** with the following terms  
19 and conditions:

#### 20           a.     **Continuing Medical Education**

21           Respondent shall obtain **15 - 20 hours** of Board Staff pre-approved Category I  
22 Continuing Medical Education (CME) in **the supervision of physician assistants and**  
23 **ethics** and **15 - 20 hours** of CME in **billing**, to be completed within six months.  
24 Respondent shall provide Board Staff with satisfactory proof of attendance. The CME  
25 hours shall be in addition to the hours required for the biennial renewal of medical  
26 license.

#### b.     **Obey All Laws**

1 Respondent shall obey all state, federal and local laws, all rules governing the  
2 practice of medicine in Arizona, and remain in full compliance with any court ordered  
3 criminal probation, payments and other orders.

4 c. Tolling

5 In the event Respondent should leave Arizona to reside or practice  
6 outside the State or for any reason should Respondent stop practicing medicine in  
7 Arizona, Respondent shall notify the Executive Director in writing within ten days of  
8 departure and return or the dates of non-practice within Arizona. Non-practice is  
9 defined as any period of time exceeding thirty days during which Respondent is not  
10 engaging in the practice of medicine. Periods of temporary or permanent residence or  
11 practice outside Arizona or of non-practice within Arizona, will not apply to the reduction  
12 of the probationary period.

13 3. Pursuant to A.R.S. §32-2533(E)(2), Respondent shall not act as a  
14 supervising physician of a physician assistant while he is on probation.

15 4. The Board retains jurisdiction and may initiate new action based upon any  
16 violation of this Order.

17 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

18 Respondent is hereby notified that he has the right to petition for a rehearing or  
19 review. The petition for rehearing or review must be filed with the Board's Executive  
20 Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The  
21 petition for rehearing or review must set forth legally sufficient reasons for granting a  
22 rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days  
23 after date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not  
24 filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to  
25 Respondent.

26 Respondent is further notified that the filing of a motion for rehearing or review is  
required to preserve any rights of appeal to the Superior Court.

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DATED this 4th day of June, 2009.



THE ARIZONA MEDICAL BOARD

By: *Lisa S. Wynn*  
LISA S. WYNN  
Executive Director

ORIGINAL of the foregoing filed this  
4th day of June, 2009 with:

Arizona Medical Board  
9545 East Doubletree Ranch Road  
Scottsdale, Arizona 85258

Executed copy of the foregoing  
mailed by U.S. Mail this  
4th day of June, 2009 to:

Paul Giancola  
Snell & Wilmer

By: *Paul Giancola*